

1 JON P. NEUSTADTER (State Bar No. 172348)
JORDAN B. KEVILLE (State Bar No. 217868)
2 **HOOPER, LUNDY & BOOKMAN, INC.**
1875 Century Park East, Suite 1600
3 Los Angeles, California 90067-2517
Telephone: (310) 551-8111
4 Facsimile: (310) 551-8181
E-Mail: jkeville@health-law.com

5 Attorneys for KAISER FOUNDATION
6 HOSPITALS, INC. dba KAISER
FOUNDATION HOSPITAL – SANTA CLARA

E-FILED - 8/15/07

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

10
11 KAISER FOUNDATION HOSPITALS, INC., a
California Nonprofit Public Benefit Corporation
12 d/b/a/ KAISER FOUNDATION HOSPITAL –
SANTA CLARA,

13 Plaintiff,

14 vs.

15 MICHAEL O. LEAVITT, Secretary of the United
16 States Department of Health and Human Services,

17 Defendant.

CASE NO. C 07-02421 RMW

**JOINT STIPULATION TO
CONTINUE SCHEDULING
CONFERENCE
AND ORDER**

18
19 TO THE HONORABLE RONALD M. WHYTE, ALL PARTIES AND THEIR
20 ATTORNEYS OF RECORD:

21 Plaintiff Kaiser Foundation Hospital – Santa Clara ("Plaintiff") and Defendant Michael O.
22 Leavitt, Secretary for the United States Department of Health and Human Services, by and
23 through their respective counsel of record, hereby stipulate and agree as follows:

24 WHEREAS, on May 4, 2007, the Plaintiff filed and served Complaint in the above-
25 referenced action seeking judicial review of an administrative decision concerning Medicare
26 reimbursement;

27 WHEREAS, the Defendant filed and answer to Plaintiff's Complaint on August 10, 2007;

28 WHEREAS, there currently is a Case Management Conference in the case scheduled for

HOOPER, LUNDY & BOOKMAN, INC.
1875 CENTURY PARK EAST, SUITE 1600
LOS ANGELES, CALIFORNIA 90067-2517
TEL: (310) 551-8111 • FAX: (310) 551-8181

1 August 17, 2007;

2 WHEREAS, lead counsel for the Plaintiff will be on vacation and outside of the United
3 States on the date current set for the Scheduling Conference;

4 WHEREAS, Plaintiff believes that there is a strong likelihood that the dispute at issue in
5 the Complaint can be resolved through administrative means, without the need for additional
6 litigation; and

7 WHEREAS, the parties believe it is in their mutual best interests for Plaintiff to be given
8 time to fully explore the possible resolution of this matter through administrative means,

9 NOW, THEREFORE, the Parties hereby agree and stipulate, with the permission of the
10 Court, to the following:

11 1. The Case Management Conference presently set in this action for August 17,
12 2007 is taken off calendar, and

13 2. The Case Management Conference is re-set on a day selected by the Court in its
14 discretion, but not earlier than November 16, 2007.

15 DATED: August 10, 2007

Respectfully submitted,
JON P. NEUSTADTER
JORDAN B. KEVILLE
HOOPER, LUNDY & BOOKMAN, INC.

18 By: /s/

19 Jordan B. Keville
20 Attorneys for KAISER FOUNDATION HOSPITALS,
21 INC. dba KAISER FOUNDATION HOSPITAL –
SANTA CLARA

22 DATED: August 10, 2007

23 GEORGE S. CARDONA
Acting United States Attorney
24 LEON WEIDMAN
Assistant United States Attorney
25 Chief, Civil Division

26 By: /s/

27 James Scharf
Assistant United States Attorney
28 Attorneys for Michael O. Leavitt, Secretary for the
United States Department of Health and Human Services

ORDER

GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED.

DATED: August 15, 2007 The Case Management Conference is continued from
August 17, 2007 to November 16, 2007 @ 10:30 a.m.

By: Ronald M. Whyte
UNITED STATES DISTRICT JUDGE

HOOPER, LUNDY & BOOKMAN, INC.
1875 CENTURY PARK EAST, SUITE 1600
LOS ANGELES, CALIFORNIA 90067-2517
TEL: (310) 551-8111 • FAX: (310) 551-8181